



Statewide Protective Order Project--2020

KAY RADWANSKI

DOMESTIC VIOLENCE SPECIALIST, AOC



HB2249

2018 session

Effective 1/1/2020

Planning for implementation

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 232 HOUSE BILL 2249

AN ACT

AMENDING SECTIONS 12-284, 12-1809, 12-1810, 13-3602 AND 13-3624, ARIZONA
REVISED STATUTES; RELATING TO PROTECTIVE ORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Protective orders affected

ARS §13-3602

- Order of Protection

ARS §12-1809

- Injunction Against Harassment

ARS §12-1810

- Injunction Against Workplace Harassment

ARS §13-3624

- Emergency Order of Protection

What's the
most significant
change?





Service

Court will transmit (via AOC) petition and OP to law enforcement or constable for service.

Process in motion

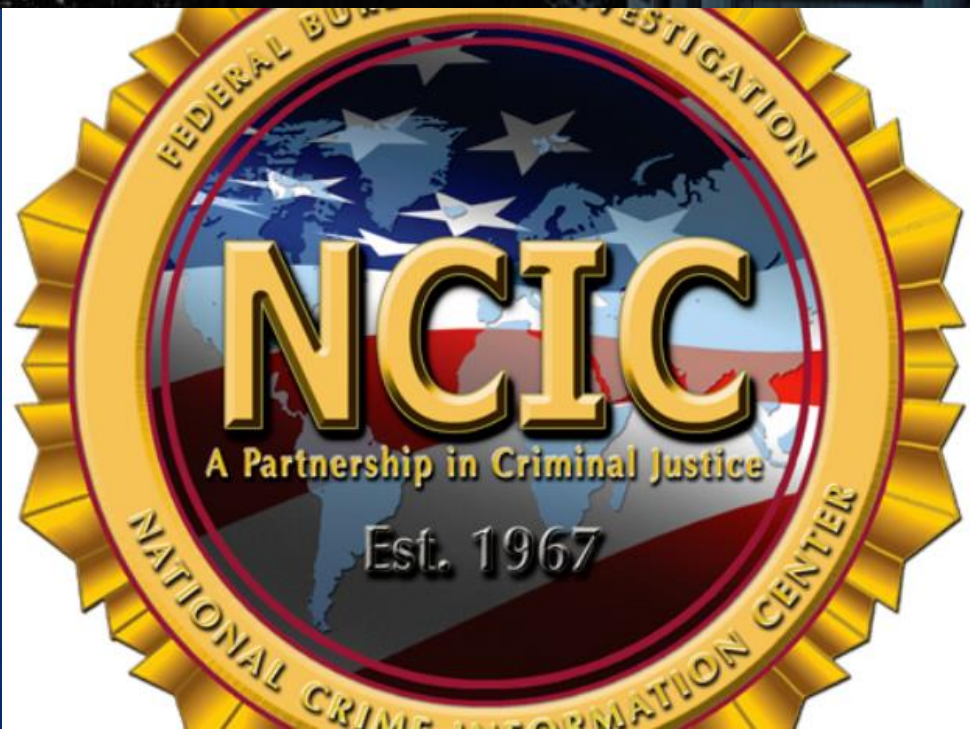
Safety
planning
with
advocate

Drafting
petition in
web portal

Filing the
petition

Ex parte
hearing

OP sent
out for
service via
AOC



Central
repository

The Arizona Supreme
Court/AOC will register
served orders with NCIC.



AZ Statewide Protective Order Project 2020

Partnership with ACJC

- ▶ ACJC drafted legislation in collaboration with stakeholders.
- ▶ Established goals of automating the protective order system, increasing number of served OPs, enlarging number of OPs reported to NCIC
- ▶ Obtained grant funds to support AOC-ITD technology project

Marc L. Peoples

Criminal Justice Systems Improvement Administrator

Arizona Criminal Justice Commission

1110 W Washington, Suite 230, Phoenix, AZ 85007

Office: (602) 364-1152 | Fax: (602) 364-1175

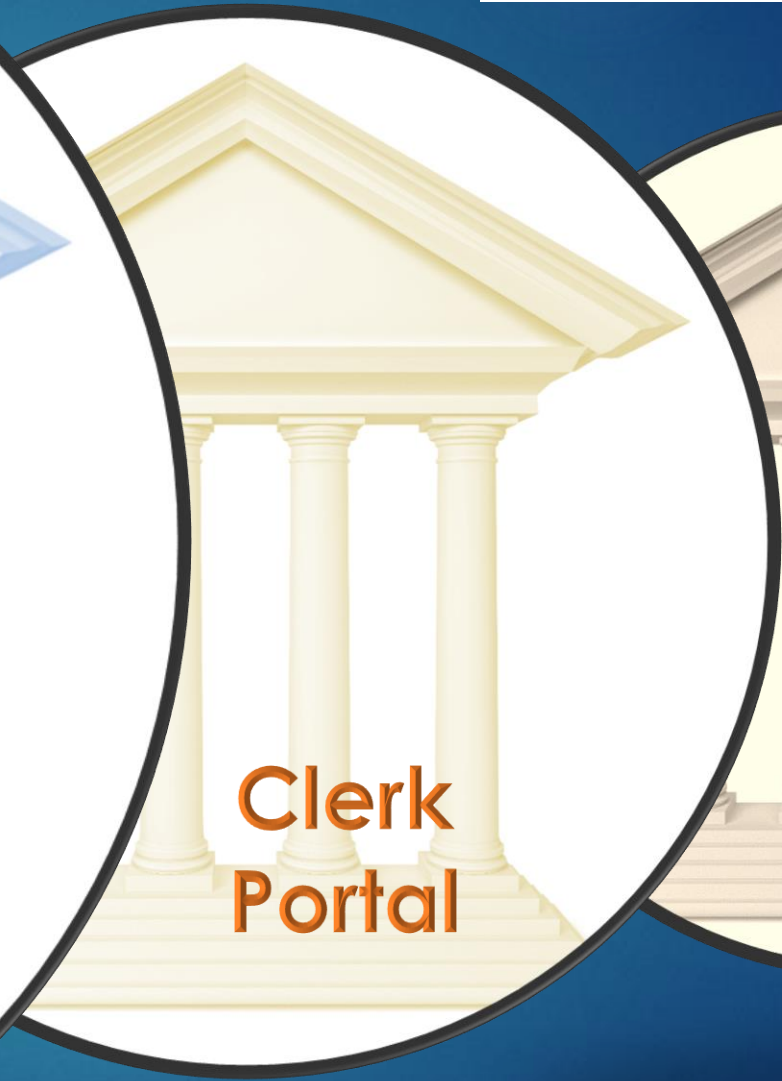
mpeoples@azcjc.gov

www.azcjc.gov

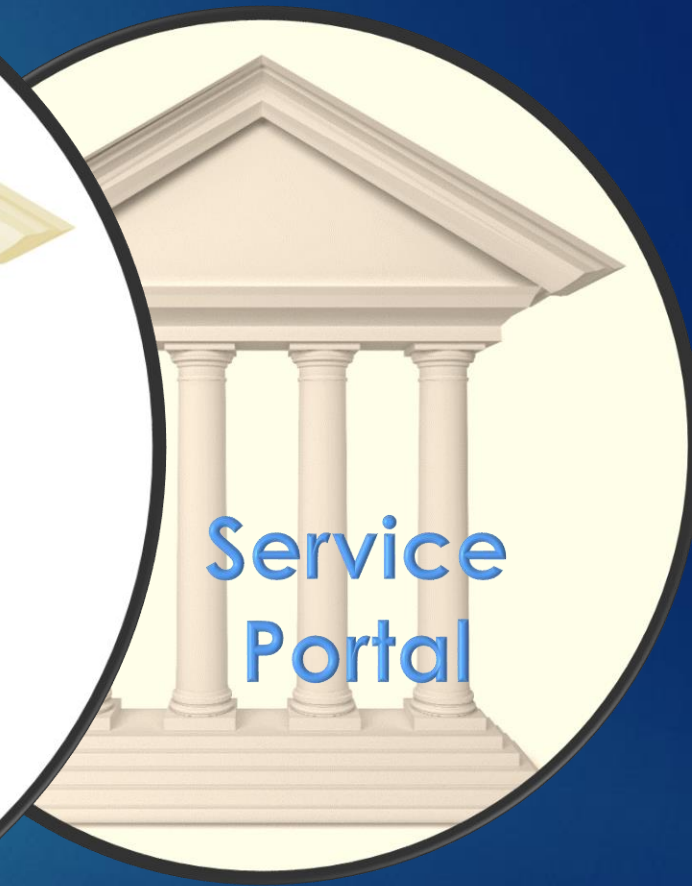




Petition Portal

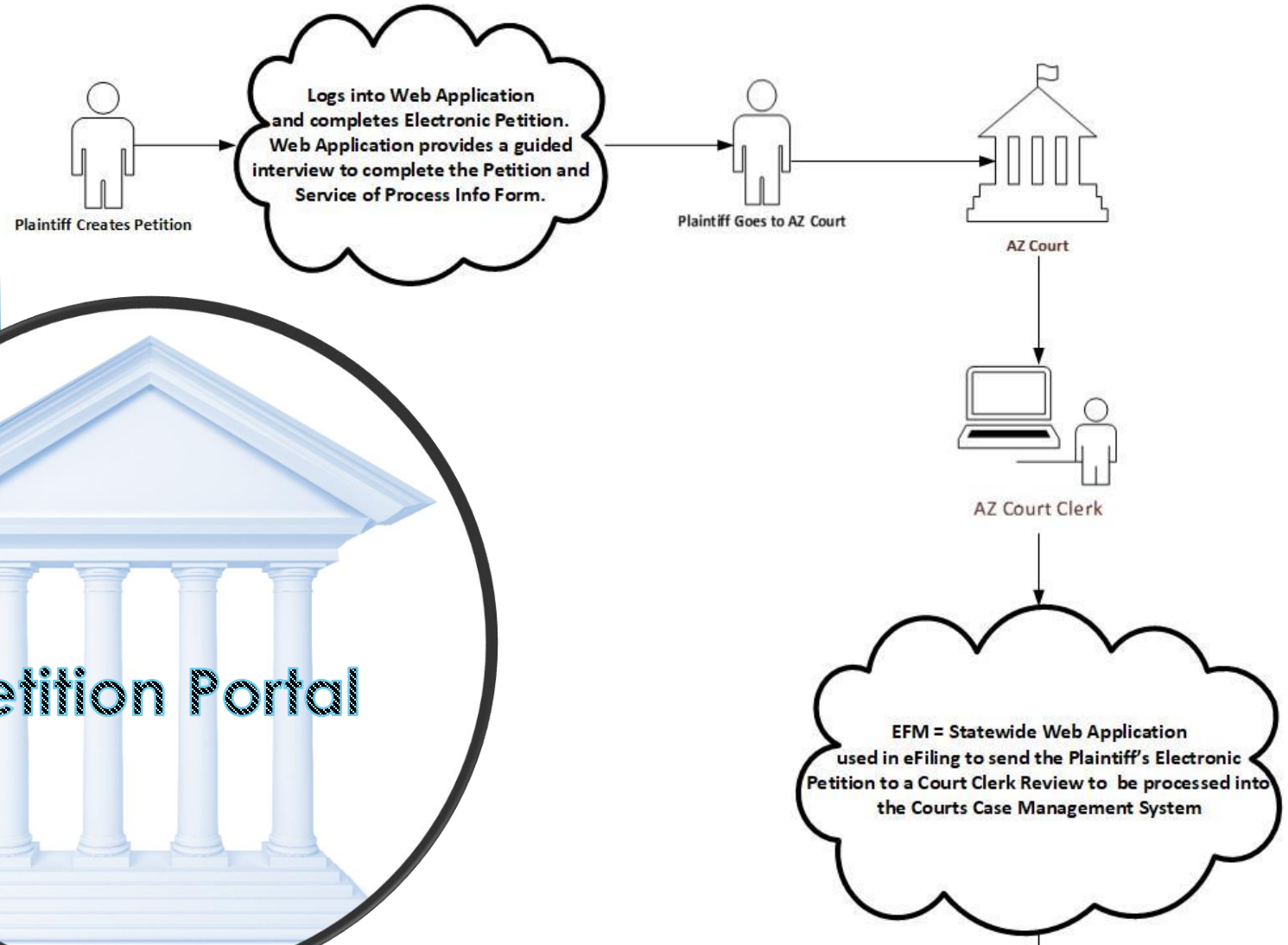


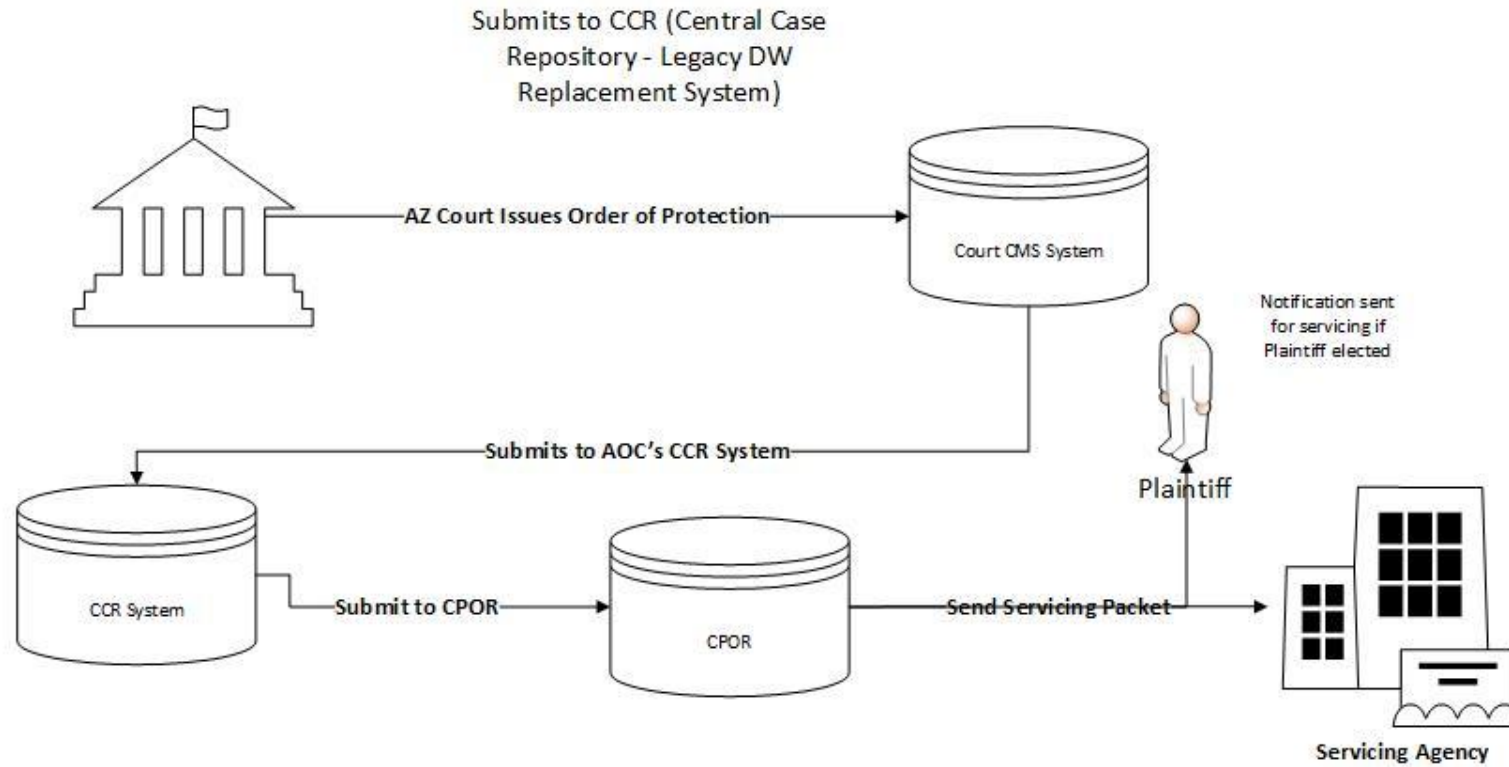
**Clerk
Portal**



**Service
Portal**

- ▶ Guided interview
- ▶ Document completion
- ▶ Petition stored for up to 90 days to allow editing.
- ▶ To file, Plaintiff goes to court of choice (unless family court case pending).
- ▶ Court downloads forms from web portal.
- ▶ Will be translated into Spanish—but petition must be filed in English.





After court hearing



Rule 31, Arizona Rules of Protective Order Procedure

- ▶ Effective 1/1/2020
- ▶ Court to transmit OP to law enforcement for service on same day issued...
- ▶ Unless judge makes findings—on the record—of extenuating circumstances.
- ▶ Then court must transmit for service no later than 72 hours from date of issuance.

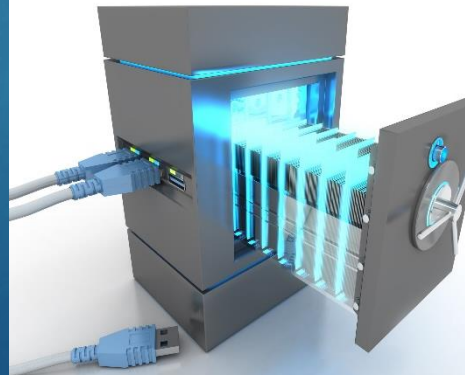


A photograph of a 'POLICE DEPARTMENT' sign mounted on a stone wall. The sign is rectangular with a black border and white background, with the words 'POLICE' and 'DEPARTMENT' in large, bold, black capital letters. A black security light is visible to the left of the sign.

**POLICE
DEPARTMENT**

Proof of service

- ▶ File proof of service within 72 hours of service.
- ▶ Electronic filing and transmission preferred.

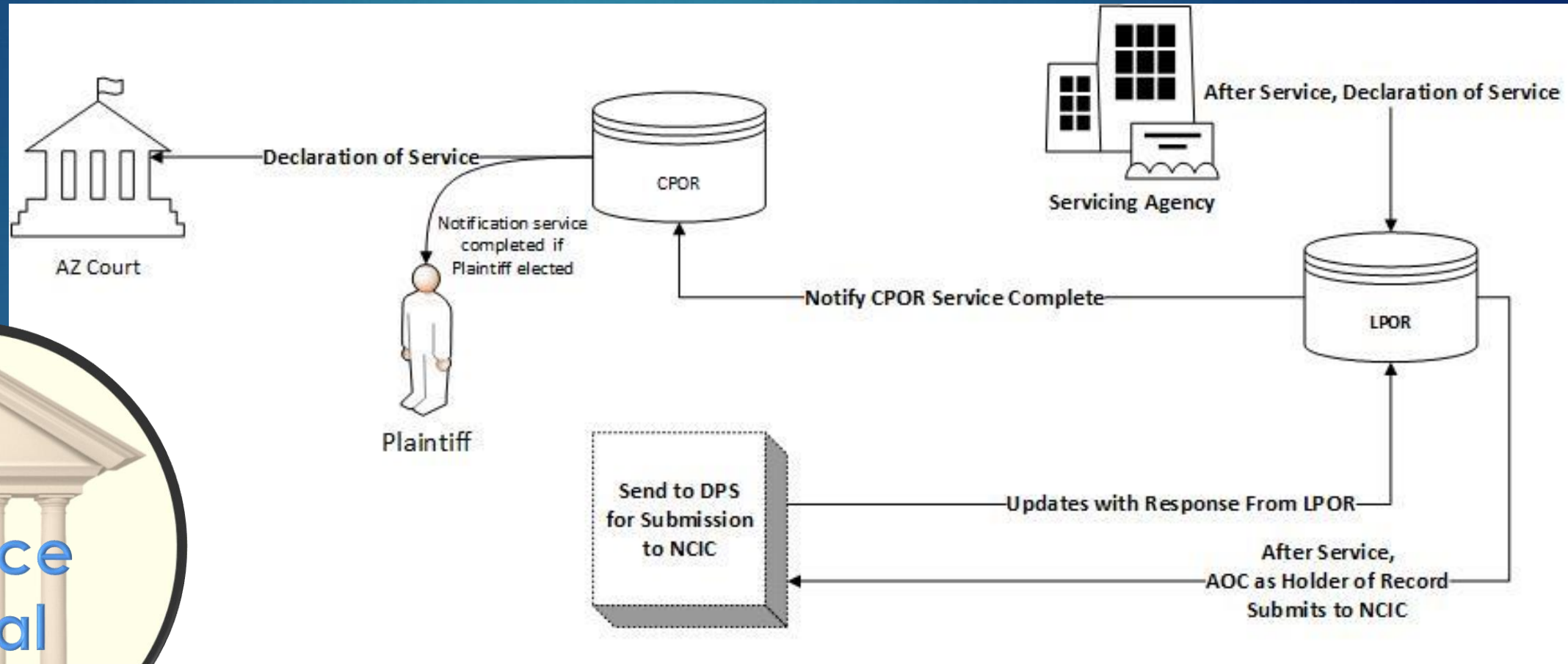




Keeping the plaintiff informed

If the OP is not served within 15 days, the serving agency must notify the plaintiff and continue service attempts.

After service



INJUNCTION AGAINST HARASSMENT (IAH) OR WORKPLACE HARASSMENT (IAWH)

Plaintiff must arrange for service;
pay fee (unless dating
relationship or sexual violence).

Server must file proof of service
with the court within 72 hours via
Service Portal.

AZ Supreme Court is central
repository; will register served IAH
with NCIC.

Features

- ▶ Can create more than one petition—but only one petition/defendant
- ▶ Generates a petition number for filing.
- ▶ Floating safety button
- ▶ Computer safety information
- ▶ Information on how to obtain a new email address
- ▶ Contact information for ACESDV/NCADV and legal services
- ▶ Hover help
- ▶ Accessible on multiple devices (laptop, PC, Apple, Android, etc.)



How can advocates help?

- ▶ Explain the change in the service process for OPs.
- ▶ Assist with preparation of a SAFETY PLAN.
- ▶ Talk about whether an Order of Protection should be part of the safety plan.
- ▶ Conduct a lethality assessment.



If your client wants to apply for an Order of Protection --

- ▶ Assist client with the guided interview in the AZPoint petition portal.
- ▶ Help the client obtain a new email address if necessary.
- ▶ Discuss—
 - ▶ Computer safety
 - ▶ Whether email or text notifications are safe for the client
 - ▶ Risk of saving a password on a device or computer
- ▶ Talk about the allegations with the client—provide information, not advice.
- ▶ Explain the court process.
- ▶ If you have resources, support the client at court.
- ▶ Get the word out!





Thank you!

KAY RADWANSKI

DOMESTIC VIOLENCE SPECIALIST

ARIZONA SUPREME COURT

602-452-3360

KRADWANSKI@COURTS.AZ.GOV